

California Regional Water Quality Control Board  
Santa Ana Region

January 19, 2001

STAFF REPORT

**ITEM:** 16

**SUBJECT:** Order No. 01-24 for Threatened Violations of Cease and Desist Order No. 01-22 for San Timoteo Sanitary Landfill, San Bernardino County

**DISCUSSION:**

The County of San Bernardino (hereinafter County) owns and operates the San Timoteo Sanitary Landfill located in the City of Redlands. Norcal/San Bernardino, Inc. (hereinafter Norcal), conducts the day-to-day operations and maintenance of the Landfill for the County.

On April 11, 2000, Board staff determined that protocols for the screening, placement and construction quality assurance (CQA) of the operations layer on the Unit 2 side slopes at San Timoteo Landfill were not in compliance with the approved design report and CQA plan.

On January 19, 2001, the Board adopted Cease and Desist Order No. 01-22, which requires the County to perform all necessary corrective actions to comply with the approved design report and CQA plan by February 20, 2001.

The County has indicated that it may not be able to comply with Cease and Desist Order No. 01-22 due to the high costs of the required corrective action. Therefore Order No. 01-24 is being issued under Section 13308 of the California Water Code to establish a time schedule and prescribe a civil penalty which shall become due if compliance is not achieved in accordance with that time schedule.

If the County fails to comply with CDO No. 01-22 by March 12, 2001, Order No. 01-24 directs the Executive Officer to issue a complaint assessing administrative civil liability in the amount of \$200,000.00 pursuant to Section 13323 of the California Water Code.

**RECOMMENDATION:**

Adopt Order No. 01-24 as presented.

California Regional Water Quality Control Board  
Santa Ana Region

Order No. 01-24  
for  
County of San Bernardino Waste System Division  
San Timoteo Landfill

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), finds that:

1. The County of San Bernardino (hereinafter County) owns, operates, and maintains the San Timoteo Landfill. Norcal Waste Systems, Incorporated, conducts the day-to-day operation and maintenance of the San Timoteo Landfill for the County under a contractual agreement with the County. This landfill is located in a portion of Sections 8 and 9, T2S, R3W, SBB&M, within the City of Redlands.
2. Landfill operations at San Timoteo Landfill are regulated by Waste Discharge Requirements, Order No. 78-151, adopted by the Board on July 14, 1978, and amended by Order No. 98-99 on November 20, 1998. Regulatory requirements for municipal solid waste (MSW) landfills are contained in California Code of Regulations, Title 27 (Title 27), Division 2.
3. On April 11, 2000, Board staff determined that screening, placement and construction quality assurance (CQA) of the operations layer on Unit 2 side slopes at San Timoteo Landfill were not in compliance with the approved design report and CQA plan. Board staff notified the County that their failure to adhere to the construction specifications of the approved design report and CQA plan were in violations of Order No. 98-99 and Title 27 requirements.
4. On January 19, 2001, the Board adopted Cease and Desist Order No. 01-22 that requires the County to perform all necessary corrective actions to comply with the approved design report and CQA plan by February 20, 2001.
5. The County has indicated that it may not be able to comply with Cease and Desist Order No. 01-22 due to the high costs of the required corrective action (approximately \$1.7 million). Water Code Section 13308 provides for issuance of an order for any threatened or continuing violation of any cleanup and abatement order, cease and desist order, or any other order issued under Section 13267 or 13383. An order issued pursuant to Section 13308 may establish a time schedule and prescribe a civil penalty which shall become due if compliance is not achieved in accordance with that time schedule.
6. The County is threatening to violate Cease and Desist Order No. 01-22. It is therefore appropriate to specify a time schedule for compliance and prescribe a penalty for non-compliance. A civil penalty in the amount of \$10,000 per day is reasonably necessary to achieve compliance with the Cease and Desist Order in light of the total cost of the necessary corrective action.

7. The Board has notified the County and other interested parties of its intent to adopt this order.
8. The Board, at a public hearing held on January 19, 2001, considered all relevant information pertaining to this order.
9. This enforcement action is being taken for the protection of the environment and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15321, Article 19, Division 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that, the County shall comply with the requirements of Cease and Desist Order No. 01-22 and complete all necessary corrective actions by February 20, 2001.

If, in the opinion of the Executive Officer, the County fails to comply with CDO No. 01-22, the Executive Officer is directed to issue a complaint on March 12, 2001 assessing administrative civil liability in the amount of \$10,000 per day for the period February 20 through March 12, 2001 (\$ 200,000.00) pursuant to Section 13323 of the California Water Code.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on January 19, 2001.

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Gerard J. Thibeault  
Executive Officer